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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TIMOTHY SLATE,

Plaintiff

v.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,

Defendant.

No. 3:21-cv-00298-CSD

STIPULATION AND ORDER FOR THE
AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS TO
JUSTICE ACT, 28 U.S.C. § 2412(d) AND
COSTS PURSUANT TO 28 U.S.C. § 1920

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of SEVEN THOUSAND FOUR HUNDRED THIRTY-NINE DOLLARS AND EIGHTY-SEVEN CENTS (\$7,439.87) and costs under 28 U.S.C. § 1920 in the amount of FOUR HUNDRED TWO DOLLARS (\$402.00). These amounts represent compensation for all legal services rendered and costs incurred on behalf of Plaintiff, to date, by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 2412(d) and 1920.

After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586 (2010), the ability to honor the assignment will depend on whether the fees, expenses are subject to any offset allowed under the United

1 States Department of the Treasury's Offset Program. After the order for EAJA fees and expenses
2 is entered, the government will determine whether they are subject to any offset.

3 Fees and expenses shall be made payable to Plaintiff, but if the Department of the
4 Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause
5 the payment of fees to be made directly to John D. Metsker, pursuant to the assignment executed
6 by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

7 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
8 attorney fees and expenses, and does not constitute an admission of liability on the part of
9 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
10 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
11 EAJA attorney fees and expenses in connection with this action.

12 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
13 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.

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15 Respectfully submitted,

16 Dated: June 1, 2022

/s/ John David Metsker
JOHN DAVID METSKER
Attorney for Plaintiff

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19 Dated: June 1, 2022

/s/ Allison J. Cheung*
ALLISON J. CHEUNG
*As authorized via email on June 1, 2022
Special Assistant United States Attorney
Attorney for Defendant

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23 **ORDER**

24 Pursuant to the parties' stipulation, IT IS SO ORDERED.

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27 DATE: June 2, 2022.

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HON. CRAIG S. DENNEY
UNITED STATES MAGISTRATE JUDGE